App F IX 4

Previous References
ml 22-45 (41-42)

1947 48
(ml)

File No 23-47
Serial Nos 25, 26

Later References
Ml 24-48(27, 28)

GENERAL AND REVENUE SECRETARIAT

Serial Nos TWO

Part B for Issues

SUBJECT

Giving back the land acquired from Mr Dhondu Sa for charitable purposes,

∠ 9289-90 ∠ 13 9 47

ml Commr Bangalore &
Comptroller to Govt.

Issues instructions ✕ — —.

Serial No

From the Municipal Comr Bangalore city
L-C 244 dated 21-11-1946

states that the city Municipal Council has taken possession of all the three properties belonging to Mrs S Dhondusa in Doddabidrkhana village and requests sanction to the revised proposals of the city Municipal Council to award an extent of one acre and 26 guntas of land free of cost to Mrs S Dhondusa for charitable purposes subject to the usual conditions and that a public Trust be formed for supervising the proper working of the Charities

1) In G.O no L9469-70/RL 2245-41 sanction was accorded to the proposal of the Bangalore city Municipal Council to the effect that the acquired lands comprising the area of 2 acres and 7 guntas in S nos 105/3, 106 and 107/16 be given back to Mrs S Dhondusa for the price at which it was acquired C without prejudice to the proposed Layout) provided the uses for charitable purposes etc

2) It is now reported that 24 guntas of the Dhondusad land in the area are taken away for the formation of roads and that she has gifted 12 guntas of land

NOTE—Contn Sheet

to the Municipality

3) The city Municipal Council has now resolved that Mr S Dhondusa may be granted, free of cost, one acre and 26 guntas of land, as proposed by the Municipal Engineer and required by Mr Dhondusa for his charitable purposes, subject to the usual conditions and that a public Trust be formed for the proper working of the Charities

4) According to the Municipal Engineers report the area to be granted to Mr Dhondusa is - one acre 23 guntas while in the Municipal Resolution it is stated as one acre 26 guntas

5) It is presumed that the Donor Mr Dhondusa is agreeable to the constitution of a public Trust, as resolved by the Municipal Council

The proposal in para 3 above is for orders

6) It was only after Mamp
In the opinion of the Municipal
2/Ker that the Govt sanctioned them
resolution to grant an extent
of 2 acres 1 7 guntas to Mr
Dhondusa for Cemetery and other

Charitable purposes in the [illegible]
dated [illegible] 3 46 Powers up to
the Mcl to have thought of this
things even at the time a recommendati
was made to put
7) instead in hands over possession of
the site as per order of Court, it is
not clear why in this event should have
been brought forward before to afford
an opportunity about £4 months thereafter
reduced necessity land proposed to be
granted to him for 2 are 7 perches do
I are 7 perches
was proposed to be given to him on
own land, subject to certain conditions
The Mcl has not also thought of the
fact that if the land had been given back to
him the would have to pay back to
Corporation amount which had been awarded
for him for the acres of land in question
him [illegible] it is proposed to give him free
of cost which means that we pay [illegible]
to lose
8) further in the case of no such
grant [illegible] by the Mcl to be imposed
the formation of a public Trust for

4002
C

Not known why such a Condition
is proposed to be imposed in this case
specially. It seems to be indeed unfair
to any Trustee or who wants to carry out
Certain charitable work that he should be
asked to form a Trust before the charities themselves come into existence

A { A detailed report will be called for in all cases, if approved, in the ordinary course. There is no reason for however to go beyond the terms, orders of last approval. previous reports if satisfied. At this rate there would be finality to any reports & the Trustees to a Trust order sanctioning such reports. for order

Secretary 4/1/1946

9/ A may be approved
the procedure indicated in last
Para appears novel or at any
rate, there does not seem to be
any parallel

Minister for Ed[n] & H) Davis
10/1/47

10/1 JHH
2/2/47 Davis
11) Dft letter 3/2/47
Mrs

C.O. OFFICE
Form 16-1-47
To H.S.-9.8.

4802

12) A draft letter is put up

13) Issue

DEPT. SECT.
10 FEB 1947
G.L. & REV. SECT.

8/2/47

To The Municipal Treasurer
11440 dt 15-2-47
Calls for the above information.

From the Municipal Treasurer Colombo
Lic 294 dated 25-3-47

Furnishes a detailed report regarding the land acquired from Mr S Dhanduss in Dodanduwa village for charitable purposes

14) The points raised at paras 6 to 9 of the above are answered below —

1) Why the City Municipal Council has not given effect to yr letter dated 15-3-46 and why it has reduced the land granted to Mr S Dhandusa from 2 acres 7 guntas to 1 acre 23 guntas ?

It is reported that a portion of Mr Dhandusas land was required for the formation of roads, drains and paths and that since the grant

had to allow a strip of land (24' x 166')
throughout his land for the drain running in
his land, the area that could be given back
to him comes to one acre and 23 gunlas

15) 2) that the Municipal Council has not considered
the financial implications, as under the present
proposal, the Municipal Council stands to lose

It is stated that the party has not been
paid any compensation and that as the land is
proposed to be given for a charitable purpose, the
Municipal Council is not in favour of recovering
any cost from the party

16) 3) Why it is proposed to impose a condition
of formation of a public Trust, even before the
charities themselves come into existence ?

---

states that the city Municipal Council
wants to impose this condition for the first time
with a view to making certain that

Hoon 8/48

the Charities go on perpetually and as the land granted by the Municipality for the purpose is a very valuable one

17) The revised proposals of the Bangalore City Municipal Council, as per Resolution dated 23-9-46 to the effect that one acre and twenty-six guntas of land in the Doddabydakkana Village, Bangalore be granted, free of cost to Mr s Dhandusa, for Charitable purposes, subject to the usual conditions and the formation of a Public Trust for supervising the proper working of the Charities, are for orders

18) Refer paras 6 to 11 supra

9/4/47 19) A - whether a Public Trust can be created or ordered to be created in respect of properties which have not yet come into existence (Buildings have not yet been constructed & the amount income from it not yet known & what exactly would be the form of charity that would take shape

4312 Law Dept

Not yet decided as to at all whether
action may not be taken after the charity
actually comes into existence, is a matter
for consideration. May be the first time that
the point has also imposed suena
Courts while making a gift of land
the opinion of the Law Secretary may be sought
obtained of the Hld undertaking
to impose a condition regarding the
creation of a Trust for the purposes etc now
also

Law Dept
Rec'd 17/4/47
Govt. of India

Law Secy
W C

20) For favour of remarks
16/4 for 17/4/47

1) The facts of the case are explained in the P U D It is sought to give back the lands to the owner (from whom they were acquired) without prejudice to the public lay-outs (for which they were acquired) free of cost for a charitable purpose, to execute which a public trust is proposed to be constituted

2) It is stated that awards have been passed and compensation is not yet paid It would have been better if a portion only (that was necessary) was acquired allowing the rest to the owner himself if possession was not taken

3) However, the lands are sought to be given to the owner for a charitable purpose, viz construction of a labour colony - and a trust is proposed to be constituted for that

4312

purpose

24) If the lands in question are sought to be transferred to the Trust as such to carry out the charitable purpose, it is better to await the formation of the trust or an agreement be taken from the owner to utilise the said lands for the charitable purpose, as it appears to be a separate grant and grant with a condition If the lands are in the possession of the Municipality, the condition may specifically be imposed before the grant is made

6946

Law Sec) fr 22/4

25 Re A ... Some provision of Law for ... Can it not be granted ... Prompt

SK 23/4

fr 23/4

The proposal involves a transfer of property within the meaning of Sec 5 of the Transfer of Property Act The formation of the trust is a condition precedent to the transfer and there must at least be a substantial fulfilment within the meaning of Sec 26 of the T P Act If the transfer was to the person himself, with a condition that the property must be used for charitable purposes in accordance with the directions of the proposed trust, that could be done Otherwise, the constitution of the Trust may have to be awaited

8124
5 MAY 1947

The Advocate-General may perhaps be consulted

Law Sec) fr 3/5

SK 6/5

fr 6/5

4312/Cons
S I S

Bain Lords argument for the S Dharwad

Forwarded, with compliments to the — 6-5-47
Advocate-General for favour of return

By order
Secretary
for Secy to Govt
Law Dept

7 NO 6447 ub 47
of 6-5-47

MM
6 5 47

27 If the formation of a trust on the terms embodied in the Municipal Councils Resolution finds favour with Government, the Trust must first be formed and the grant of the land must be in favour of that Trust

Law No 110
6-6-47
of 14 6-47

28 I may however, be permitted to add that in forming such a condition as unusual and there has been no precedent in the history of the Bangalore Municipal Council. The usual condition is that if the property is diverted to any purpose other than that for which it was granted, the Municipality may resume the property That is enough Guarantee for the property being used for a charitable purpose The reason why stringent conditions are not imposed is not far to seek either If the donor's discretion is unduly fettered it will act as a brake on philanthropy

RECEIVED
10212
14 JUNE 1947
GUR

14/6

M. Ethirajulu Naidu
Ag 14/6/47

add.

29) The Advocate General's note above referred to is found that the municipality may resume the property in the event of breach of the condition.

RECEIVED
10213
16 JUNE 1947

MM
16 6 47
16/6

16/6

Law Secy
Rev Secy
WC

30) I agree
Tell Bridle

giving back the land acquired from Mrs Dhanduisa - for s 188 charitable purposes

31) Powers for orders

A 1) to sanction the enclosed resolution of the Bangalore City Municipal Council to grant one acre and twenty three guntas of land, in the Doddabelahana village - free of cost, to Mrs Dhanduisa - for charitable purposes, subject to usual conditions - as against two acres and seven guntas of land sanctioned to him, in G.O. L 9469-70/ M 22-43-41 dated 15-3-46 Plan 'S'

and

B 2) to inform the Municipal Council that it is not necessary to insist on the formation of a public Trust, before the charity has begun, as opined by the Advocate-General, at para 27 supra

or A & B supra, may be approved

Rangaraj 23/6/81

for orders

33 With reference to paras 21 & 29 supra the proposals may, perhaps be sanctioned subject to the conditions mentioned in A & B note in paras 27 & 28 supra - If Govt is approved formation of a Trust Board appears unnecessary -

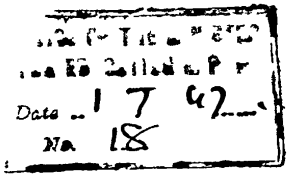
LW 18/6 BRD 19/6

S/188 — Giving Crown the Lands required from Mr Dhondoo for Charitable purposes are therefore necessary

1) Re grant of 1 acre 2 26 guntas of land free of cost for the charitable purpose intended

(This involves payment of Compensation to Mr Dhondoo on all the three S. Nos acquired from him)

2) Formation or Observance of the Public Trust — The A.G. opines that this is unnecessary — & that only the grant may be made subject to the condition that the property reverts to the municipality in case "the object of the grant fails" the property is diverted to any purpose other than that for which it was granted"



Minister
Edn. PH

The revised proposal may be accepted

17/7/47

28/8/47

28/8/47

8188

III

35 A Chapter 30 is [illegible] Van

Consideration in accordance with orders at para 34 supra

36, 37 Definite orders are necessary re the formation of a Public Trust by Mr. v Dyk, to administer the Churches

37) whether, in view of the opinions expressed by the Law Department of the Advocate general in paras 28 & 29 respectively, the conditions relating to the formation of the Trust should be included in the proposed new Ordinance

37 please

37) The Public Trust Ordinance is necessary in view of the Advocate General's Opinion

10/9

11/9/47

11/9

To The III — Van
" — Town
9289-90-d 13 7/47
Gomes instructions accordingly 11/9/47

306/1/9 5/9 JH

TYPING SECTION
12 SEP 947

M 2347-25

Bangalore City Municipality

GEN & REV SECRETARIAT 4002 27 NOV 1946 S G BRANCH

No Ll C 294/45-46
Encl Three

MUNICIPAL OFFICES,
Bangalore, 21st Nov. 1946

FROM

SAFI DARASHAH, Esq, B A,
MUNICIPAL COMMISSIONER,
BANGALORE CITY

To

J.B. Lallaradhya, Esq, M A,
Secretary to Government,
Revenue Department, Bangalore.

Sir,

Subject - Giving back the land acquired from Mr S Dhondusa in Doddabilkhana village, for Charitable purposes.

With reference to the above, I have the honor to state that Government in their order No L 9469-70/Ml 22-45-41 dated 15-3-1946 have directed that the acquired lands comprising the area of 2 Acres and - 7 Guntas in S Nos 105/3, 106 and 107/16 be given back to Mr S Dhondusa for the price at which it was acquired (without prejudice to the proposed Kalasi-palyam Layout), provided he uses it for Charitable purposes as mentioned by him and subject to the other usual conditions of resumption etc in case of the nonfulfilment of the purpose The said G.O. was placed before the Municipal Council held on 29-3-1946 for information and it was resolved that the acquisition proceedings might be taken first and the property then handed back to the party

This copy of the proceedings was sent to the Municipal Engineer with instructions to mark the area required for the roads and drains which would pass through the above Survey Numbers acquired from the party Then the Municipal Engineer submitted his report with a revised proposal along with a sketch

P T,O

on 9-9-1946 suggesting that the party may be granted One Acre and 26 Guntas(A.1 & G.26) (160 x 453 ft) -(160 x 24) as marked in red colour in the enclosed sketch, - against the area of 2 Acres and 7 Guntas sanctioned by Government in the circumstances reported by him (copy of letter dated 9-9-1946 enclosed) This revised proposal was accepted by the City Improvement Committee on 16-9-1946. The said City Improvement Committee Resolution was placed before the Municipal Council held on 26-9-1946 for approval. After a lengthy discussion, it was resolved that an extent of One Acre and 26 Guntas of land as proposed by the Municipal Engineer and required by Mr.S Dhondusa for Charitable purpose, might be given free of cost,subject to the usual conditions,and that a public Trust, consisting of the Donar, his Two nominees, and the Municipal Commissioner, be formed for supervising the proper working of the Charities. A copy of the Council Proceedings is herein enclosed for favour of kind reference.

According to the said proceedings of the Municipal Council,the party Mr.S Dhondusa is entitled to get Compensation on all the three Survey Nos acquired from him as per rules of the Land Acquisition Act The Municipal Engineer has taken possession of the said 3 properties from Mr,S.Dhondusa on 20-10-1946 to complete the acquisition proceedings.

In the above circumstances,I request,that sanction of Government may kindly be obtained to the revised proposal as per Council resolution dated 26-9-1946.

Forwarded With compliments

P. Seva Dhan Kar
Honorary President.

I have the honor to be,
Sir,
Your most obedient servant,

MUNICIPAL COMMISSIONER.

Letter No.E3 G1 3700/45,dated 9th September 1946 from the Executive Engineer,Bangalore City Municipality to the Municipal Commissioner,Bangalore City

---

Subject - Giving back the land acquired from Mr Dhondusa in Doddaballakhana Village

Ref Mr Dhondusa's letter dated 23rd August 1946 to the President

With reference to the above letter, I have the honor to submit herewith a detailed report covering all points, along with a plan showing the area proposed to be given back to the party from out of his own land, under certain conditions

Roads, Parks, Gardens & Temple	5 Acres	36 Guntas
	2 "	12½ "
Public Buildings & Hospitals	6 "	0 "
	14 Acres	8½ Guntas

Acquired

S No 105/3	1 Acre	11 Guntas
106	0 "	23½ "
107/16	0 "	12½ "
Total	2 Acres	7 Guntas

Gifted

S.No 109/4	0 "	12 "
Total	2 Acres	19 Guntas

1 The total area acquired for the extension is 62 acres 22½ guntas

2. The total area taken away for the formation of roads, parks and gardens, and reserved for lung-space, temple and public buildings in the Extension will be 14 acres, 8½ guntas or nearly 40% of the total area acquired (vide details in the margin).

3 The extent of land belonging to Mr Dhondusa in Doddaballakhana village and acquired for the extension will be 2 acres 19 guntas, out of which Mr Dhondusa has gifted 12 guntas to the Municipality (vide details in the margin)

4 Based on the above, 40% of Mr Dhondusa's land will be nearly 1 Acre of land

5 The area of land actually taken by the roads in his plot will be 24 guntas

6. The total extent taken away for the roads from out of his lands and that given over by him free of cost, as a gift to the Municipality, will be 24 guntas plus 12 guntas or 36 guntas This area compares very favourably with the area required to be given by the party viz , 1 acre for the roads, parks, lung-space, public buildings etc. vide (4) above

7 According to the letter, the party now asks for an area of 2 acres, 7 guntas, less 24 guntas or 1 acre and 23 guntas to be given back to him

8 This extent of land, practically in his own plot, can be made available to him, by including a portion of the park 'ABCD' and reserving the area 'BEFC' for the park, with a road intervening as shown in the plan This will measure 160 feet by 450 feet

P T O

9 The following conditions should however be imposed

(a) The party has already been awarded the compensation for the land acquired from him Now that 24 guntas are reserved for the roads, the party should pay back the value received by him for this extent of 24 guntas.

(b) It is proposed to give back to him an extent of 1 acre, 23 guntas, which will however be embodied in the General Layout Scheme Hence he should bear the cost of the layout charges, towards this extent

(c) The party should render the central strip of 160' x 24', taken over by the central drain, accessible for the Municipal Works thereon, and for the maintenance of the drain

(d) The party should abide by the opinion of the Municipal Engineer, regarding the location and design of the several charitable institutions proposed to be put up by him

The entire file is herewith resubmitted, along with the party's letter The matter may be placed before the City Improvement Committee Meeting on the 13th September 1946 and a final decision arrived at.

"Copy"

Municipal Commissioner.

20

Bsk.

Proceedings of the Meeting of the Bangalore City Municipal Council held on 23-9-1946

Subject No 6

The Municipal Engineer explained the case and said that instead of shifting the park as suggested by the party to the south of his land, he had put it to the rear, so that the party could be given one stretch of land in one block for his charitable purposes

Mr Devadu Narasimhasastry observed that during the previous Council Meeting it was tacitly understood that the party would not only be allowed to put up shops for the maintenance and running of the charities but it was also observed by some members that if the party required more land for the above purpose, it would be given by the Council The present bit proposed to be given back was sufficient for his needs

There was some discussion on the question of giving back the land to the party and it was finally resolved that the area as shown by the Municipal Engineer might be given back to him

Mr H C.Suryanarayana Rao observed next that it was very necessary to see that the charities of the party are continued and run on satisfactory lines and there was very desirable ~~that~~ that the whole thing might be left to the care and management of a public Trust, consisting of the Donor, his Nominees and some representative of the Municipality By doing so,they would be assuring the satisfactory running of the charities,it was but right to safeguard the same Since the maintenance of the charitable institutions to be constructed by the party required funds, he might be permitted to put up shops and other income yielding constructions and the rent realised by the same could be conveniently utilised for the maintenance of the institutions

Mr A K.Narayana Iyengar supported the ideas of formation of a public Trust and said that it was not a reflection on the bonafides or the intentions of the party,but only to see that the charities are run perpetually

Mr G.V Ramachar opposed the formation of a public Trust and said that they were giving back the land to the party on the distinct understanding that in case of non-fulfillment of the charities or when the charities failed to function, the land so given would be resumed back by the Municipality When the Council had this power of resumption, there was no need for a Public Trust Further, the donor had written to say that he would be the Trustee of the entire charities and the addition of one or two more members did not in any way improve the situation Unless the Council suspected the bonafides of the donor, there was absolutely no necessity for formation of a Public Trust

Mr G.Nanjappa supporting the above views of Mr G V Ramachar said that the right of resumption was vested in the Council and hence there was no need for a Public Trust to manage the charities If the Council still insisted upon its representative on the Trust, then the Municipality would do well to meet half the cost of the charities The Municipal Council had not insisted upon such Trusts being formed when giving away large slices of their own lands for public purposes and quoted the instance of the grant of land in Gandhinagar to Gubbi Company for a theatre In this case,they were only giving back the party's land for him to do some charities and hence it was not right to insist upon the formation of a Public Trust

Messrs C Chennaiah, R Thimmaiah all opposed the ideas of Public Trust and Messrs M.K. Narayanaiengar, V Veerappa, J.Khaleel, K Jayamuthuraju, P.V,Ramachandra Gupta all insisted upon a Public Trust being formed with the donor,two nominees or his and the Municipal Commissioner,for the management of the Charities

At this stage,Mr K M Naganna moved an amendment that 'the extent of one acre and twenty six guntas of land,as proposed by the Municipal Engineer and required by Mr Dhondusa for his charitable purposes, may be given free of cost,subject to the usual conditions and that a Public Trust consisting of the Donory, his two Nominees and the Municipal Commissioner, be formed for the proper working of the Charities'. He said that he had moved this amended resolution since if the Municipality recovered any cost from the party towards the layout charges etc.,the Municipality would not be in a position to check the party if he violated any conditions of the grant.

Mr M K Narayanaiengar seconded the above and the following resolution was passed unanimously

"The amendment of Mr K M Naganna is approved and a Board of Trustees consisting of the Donor, his Nominees and the Commissioner, be formed to look after the management of the said charities".

Sd P.Sivashankar,
Honorary President

" Copy "

Municipal Commissioner.

Bsr

L.11440

18/2/47

To.

The Municipal Commr.

Bangalore city

(Through the Deputy)

Subj - Giving back the land acquired from Mr. S Dhondusa in the Doddabalachava village, Hbe for charitable purposes

With reference to your letter no L.C 294/45-46 dated 21-11-46 requesting sanction of Govt to the revised proposals, as per Council resolution dated 23-9-46 to the effect that one acre and 26 guntas of land in the Doddabijabhana village, Hbe, be granted free of cost to Mr S Dhondusa for charitable purposes, subject to the usual conditions and that a Public Trust be formed for, supervising the proper working of the Charities, I am directed to observe that it was only after obtaining the opinion of the Bangalore city Municipal Council that the Govt sanctioned

their resolution dated 18-2-46 to grant an extent of 2 acres and 7 gunlas of land in Doddabudathana village, Bangalore to Mr Dhanchua for carrying out certain Charitable purposes (vide G.O. No L 9469-70/Rd 22-45-41 dated 15-3-46) instead of handing over the possession of the site, in accordance with the above orders of Govt, it is not clear why this question should have been brought forward before the Municipal Council again about six months thereafter and reduced the extent of land proposed to be granted to him from 2 acres 7 gunlas to 1 acre 23 gunlas what was proposed to be given to him was his own land, subject to certain conditions.

In this connection it may also be pointed out, that the city Municipal Council has not also thought of the

financial Considerations in this case, viz that if the Land had been given back to the Party, he would have had to pay back the Compensation amount which had been awarded to him for the acquisition of land in question from him. Now it is proposed to give him Force of Cost, which the reduced estimate land means that the Municipality stands to lose

Further, in the case of No, such grant of land has the Municipality so far imposed the formation of a Public Trust. It is not known why, such a Condition is proposed to be imposed in this case specially, even before the Charities themselves come into existence if there is any case pending to this

I am therefore to request that a

detailed report on the above for

be kindly submitted to you earlier

Yours truly

[signature]

8/2/07

For Revenue

Bangalore City Municipality

No A1-C294/45-46
Encl nil

MUNICIPAL OFFICES
Bangalore 28th March *1947*

FROM

SAFI DARASHAH, ESQ, B A,
MUNICIPAL COMMISSIONER,
BANGALORE CITY

To

H N Pallegar, Esq , M A , LL B ,
Secretary to the Government of Mysore,
Revenue Department, Bangalore

Re Giving back the land acquired from Mr S Dhondusa in Doddabilakhana village for charitable purposes

SIR,

With reference to your letter No L 11440 dated 18-2-1947 on the above subject, I have the honour to state that instructions were issued to the Municipal Engineer to mark out roads, drains etc, in the area to be handed back to Mr Dhondusa as per Government Order No L 9469-70/M1 22-45-41 dated 15-3-1946 and he, in reply, submitted a report to the effect that it was not possible to hand back the very same area acquired from Mr Dhondusa on account of implications of the layout, and recommended that an equal extent in 3 large bits may be given to the party, round about his land As this suggestion was not in accordance with the previous Council resolution on which the above Government Order had been passed, the whole question was again placed before the Council for their consideration

2 At the meeting of the Council held on 31-7-1946, the point of order raised by Mr K M Naganna that, "as the land in question had not been taken possession of from Mr Dhondusa, there was no question of giving it back," was upheld by the President and so the subject was not decided Subsequently the party applied to the Municipal Council stating that the park shown in his land may be shifted to the south so that he might get back the entire area in one block, and this was considered both by the City Improvement

p t o

Committee and the Municipal Council on 13-9-1946 and 23-9-1946 respectively, when the present proposal, now sent up to Government for sanction, was approved . Since a portion of his land was required for roads, drains and park and since the party had to allow a strip of land (24' x 160') throughout his land for the drain running in his land, the area that could be given back to him comes to 1 acre 23 guntas or 160' x 450' actually as per Municipal Engineer's report enclosed

3 As regards financial implications involved, the party has not been paid any compensation What is proposed is to take his land, reserve the area required for roads, drains etc, and hand back the remaining portion to him for the charitable purpose As the object for which the land is to be given is a laudable one, the Municipal Council have thought it fit not to recover any cost from the party.

4 As regards formation of a Public Trust for the purpose, this is the first time the Municipal Council has thought of imposing this condition Many charitable institutions have been started by philanthropic gentlemen for which the Municipal Council has previously given either financial help or land free of cost Late Mr Sajjan Rao's charities is one of such institutions The Municipal Council has not insisted upon a Public Trust being formed in all those cases, but in the present instance this condition has been imposed with a view to making certain that the charities go on perpetually and function for the purpose for which they are being instituted, the land now granted by the Municipality for the purpose being very valuable and worth a considerable sum

In these circumstances, I request that early orders of Government may kindly be obtained in this behalf, as the party is very desirous of starting construction of the charitable institutions

I have the honour to be,
Sir,
Your most obedient servant,

Municipal Commissioner.

hsr/-

Municipal Engineer's report No Gl 3700/45 dated 9th September 1946 to the Municipal Commissioner, Bangalore City

---

Subject Giving back the land acquired from Mr Dhondusa in Doddabailakhana village

Ref Mr Dhondusa's letter dated 23rd August 1946 to the President

With reference to the above letter, I have the honour to submit herewith a detailed report covering all points, along with a plan showing the area proposed to be given back to the party from out of his land, under certain conditions

Roads	5 acres, 36 Guntas	
Parks	2 " 12½ "	
Gardens, & Temple		
Public buildings & Hospitals	6 " 0 "	
	14 acres 8½ guntas	

Acquired		
S No 105/3	1 acre 11 guntas	
106	0 " 23½ "	
107/16	0 " 12½ "	
Total	2 acres 7 guntas	
Gifted		
S No 109/4	0 " 12 "	
Total	2 acres 19 guntas	

i The total area acquired for the extension is 32 acres 22½ guntas

ii The total area taken away for the formation of roads, parks & gardens, and reserved for lung-space, temple and public buildings in the extension will be 14 acres 8½ guntas or nearly 40% of the total area acquired (vide details in the margin)

iii The extent of land belonging to Mr Dhondusa in Doddabilakhana village, and acquired for the extension will be 2 acres 19 guntas, out of which Mr Dhondusa has gifted 12 guntas to Municipality (vide details in the margin)

iv Based on the above, 40% of Mr Dhondusa's land will be nearly 1 acre of land

v The area of land actually taken by the roads in his ~~xxxx~~ plot will be 24 guntas

vi The total extent taken away for the roads from out of his lands and that given over by him free of cost, as a gift to the Municipality will be 24 guntas+ 12 guntas or 36 guntas This area compares very favourably with the area required to be given by the party viz , 1 acre for the roads, parks, lung-space, public buildings etc, vide (iv) above

vii According to the letter, the party now asks for an area of 2 acres, 7 guntas, less 24 guntas or 1 acre and 23 guntas to be given back to him

p t o

viii This extent of land, practically in his own plot, can be made available to him, by including a portion of the park 'ABCD' and reserving the area 'BEFC' for the park, with a road intervening as shown in the plan This will measure 160 feet by 450 feet

ix The following conditions should however be imposed -

a) The party has already been awarded the compensation for the land acquired from him Now that 24 guntas are reserved for the roads, the party should pay back the value received by him for this extent of 24 guntas

b) It is proposed to give back to him an extent of 1 acre, 23 guntas which will however be embodied in the General Layout Scheme Hence, he should bear the cost of the layout charges, towards this extent.

c) The party should render the Central strip of 160' x 24' taken over by the central drain accessible for the Municipal Works thereon, and for the maintenance of the drain

d) The party should abide by the opinion of the Municipal Engineer, regarding the location and design of the several charitable institutions proposed to be put up by him

The entire file is herewith resubmitted, along with the party's letter. The matter may be placed before the City Improvement Committee meeting on the 13th September 1946 and a final decision arrived at

"COPY"

Municipal Commissioner

G R S App F VI—G 2]

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )

the *194*

Date of issue 13th Sept 1947

Signed by Mr V P Rao

May this be—

(i) printed ?

(ii) treated as a Standing Order ?

(iii) published in the Gazette English Part ?

(iv) translated ?

(v) placed at the disposal of the Press ?

(iv) published in the Gazette Kannada Part ?

Section M

File No 23-47

Serial No 26

Proceedings of the Government of His Highness the Maharaja of Mysore

Read— G O No L 9469-70 dated 15-3-46 (M 22-45-41) directing, ~~that~~ among others, that the acquired lands comprising the area of 2 acres and 7 guntas in S Nos 105/3, 106 and 107/16 in the Doddabelakhana Village Bangalore City be given back to Mr S Dhondusa ~~Order thereon No~~ for the price at which it was acquired (without prejudice to the proposed Kalasipalyam Layout) provided he uses it for charitable purposes and subject to other usual conditions of resumption etc. ~~in case of~~ the (2) non-fulfilment (of) conditions ending

With letter No LC-C 294, dated 28th March 1947 from the Municipal Town Bangalore City, stating that it has not been possible to give back the very same area acquired from Mr Dhondusa on account of the complications of the Kalasipalyam Layout and requesting sanction to the resolution dated 23-7-46 of the City Municipal Council to the effect that one acre and 26 guntas of land in the Doddabeyhatkhan Village, Bangalore be granted free of cost to Mrs Dhondusa for charitable purposes, subject to the usual conditions and that a Public Trust be formed for supervising the proper working of the Charities

Order No 19289-90/RL-23-47-46 dated 13/9/47

The above revised proposal of the Bangalore City Municipal Council is sanctioned, subject to the consenting of the Donor, his two nominees and the Municipal Town Bangalore City

List of Enclosures

Copied by

Examined by

The Municipal Town Bangalore City to form a public Trust consisting of the Donor, his two nominees and the Municipal Commissioner for the time being

The Municipal Town Bangalore City is requested to submit a draft Trust Deed (with plan) proposed by the Board for the sanction of Government

for Revenue Secretary

WD 04162—GPB—10 000—23-10-41

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

Read -

Government Order No L.9469-70/M'l 22-45-41 dated 15th March 1946 directing among others, that the acquired lands comprising the area of 2 acres and 7 guntas in S Nos.105/3, 106 and 107/16 in the Doddaoila Khana village, Bangalore City, be given back to Mr S Dhondusa for the price at which it was acquired (without prejudice to the proposed Kalasipalyam Lay-out) provided he uses it for charitable purposes and subject to other usual conditions of resurption etc ,

2. Correspondence ending with letter No.L1-C.294 dated 28th March 1947 from the Municipal Commissioner, Bangalore City, stating that it has not been possible to give back the very same area acquired from Mr Dhondusa on account of the implications of the Kalasipalyam Layout and requesting sanction to the resolution dated 23rd September 1946 of the City Municipal Council to the effect that one acre and 26 guntas of land in the Doddabylakhan village, Bangalore, be granted free of cost, to Mr S Dhondusa for charitable purposes, subject to the usual conditions and that a public trust consisting of the Donor, his two nominees and the Municipal Commissioner Bangalore City be formed for supervising the proper working of the charities

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Order No L9289-90 /ML-23-47-26

Bangalore, Dated, 13th September 1947

The above revised proposal of the Bangalore City Municipal Council is sanctioned Government consider that it is not necessary to form a public Trust in this behalf as proposed by the Muncipal Council

for Revenue Secretary to Government

To -- The Municipal Commissioner, Bangalore City, (with plan)
" Comptroller to Government

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